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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

AMANI SHAKHATE MANSELL
15665 Las Posas Drive
Moreno Valley, CA 92551

Respondent.

Case No. 1H-2008-079

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the
Respiratory Care Board of California, Department of Consumer Affairs (Respiratory Care
Board). She brought this action solely in her official capacity and is represented in this matter by
Edmund G. Brown Jr., Attorney General of the State of California, by Matthew M. Davis,
Deputy Attorney General.

2. Respondent Amani Shakhate Mansell (Respondent) is representing herself
in this proceeding and has chosen not to exercise her right to be represented by counsel.

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3. On or about February 1, 2008, the Respiratory Care Board received an application for a Respiratory Care Practitioner License from respondent. On or about August 20, 2008, the Respiratory Care Board denied the application. On or about October 20, 2008, respondent requested a hearing on the denial of her application for an unrestricted Respiratory Care Practitioner License.

JURISDICTION

4. On November 18, 2008, Statement of Issues No. 1H-2008-079 was filed before the Respiratory Care Board, Department of Consumer Affairs, and is currently pending against respondent. A true and correct copy of the Statement of Issues and all other statutorily required documents were properly served on respondent on November 20, 2008. Respondent timely filed her Notice of Defense contesting the Statement of Issues. A true and correct copy of Statement of Issues No. 1H-2008-079 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and fully understands the charges and allegations in Statement of Issues No. 1H-2008-079. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Statement of Issues No. 1H-2008-079.

4 9. Respondent agrees that her application for a Respiratory Care Practitioner
5 License is subject to denial and she agrees to be bound by the Respiratory Care Board's
6 imposition of discipline as set forth in the Disciplinary Order below.

7 CONTINGENCY

8 10. The parties understand and agree that facsimile copies of this Stipulated
9 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
10 force and effect as the originals.

11 11. This Stipulated Settlement and Disciplinary Order is intended by the
12 parties herein to be an integrated writing representing the complete, final and exclusive
13 embodiment of the agreements of the parties in the above-entitled matter.

14 12. In consideration of the foregoing admissions and stipulations, the parties
15 agree that the Board may, without further notice or formal proceeding, issue and enter the
16 following Disciplinary Order:

17 DISCIPLINARY ORDER

18 IT IS HEREBY ORDERED THAT the application of respondent Amani Shakhate
19 Mansell for a license as a Respiratory Care Practitioner is granted, however, the Respiratory Care
20 Practitioner license shall be and hereby is, immediately revoked, with the revocation stayed, and
21 respondent placed on probation for a period of four (3) years from the effective date of this
22 Decision and Order, on the following terms and conditions:

23 1. OBEY ALL LAWS Respondent shall obey all laws, whether federal,
24 state, or local. The respondent shall also obey all regulations governing the practice of respiratory
25 care in California. Respondent shall notify the Board in writing within 14 days of any incident
26 resulting in her arrest, or charges filed against, or a citation issued against, respondent.

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1 2. QUARTERLY REPORTS Respondent shall file quarterly reports of
2 compliance under penalty of perjury, on forms to be provided, to the probation monitor assigned
3 by the Board. Omission or falsification in any manner of any information on these reports shall
4 constitute a violation of probation and shall result in the filing of an accusation and/or a petition
5 to revoke probation against Respondent's respiratory care practitioner license. Quarterly report
6 forms will be provided by the Board. Respondent is responsible for contacting the Board to
7 obtain additional forms if needed. Quarterly reports are due for each year of probation and the
8 entire length of probation as follows:

9 (a) For the period covering January 1st through March 31st, reports are to be
10 completed and submitted between April 1st and April 7th.

11 (b) For the period covering April 1st through June 30th, reports are to be
12 completed and submitted between July 1st and July 7th.

13 (c) For the period covering July 1st through September 30th, reports are to be
14 completed and submitted between October 1st and October 7th.

15 (d) For the period covering October 1st through December 31st, reports are to be
16 completed and submitted between January 1st and January 7th.

17 Failure to submit complete and timely reports shall constitute a violation of probation.

18 3. PROBATION MONITORING PROGRAM Respondent shall comply
19 with requirements of the Board appointed probation monitoring program, and shall, upon
20 reasonable request, report to or appear to a local venue as directed. Respondent shall claim all
21 certified mail issued by the Board, respond to all notices of reasonable requests timely, and
22 submit Annual Reports, Identification Update reports or other reports similar in nature, as
23 requested and directed by the Board or its representative. Respondent is encouraged to contact
24 the Board's Probation Program at any time she has a question or concern regarding her terms and
25 conditions of probation.

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1 Failure to appear for any scheduled meeting or examination, or cooperate with the
2 requirements of the program, including timely submission of requested information, shall
3 constitute a violation of probation and will result in the filing of an accusation and/or a petition to
4 revoke probation against respondent's Respiratory Care Practitioner license.

5 4. PROBATION MONITORING COSTS All costs incurred for probation
6 monitoring during the entire probation shall be paid by the Respondent. The monthly costs are
7 currently \$100.00 but may be adjusted as expenses are reduced or increased. Respondent's failure
8 to comply with all terms and conditions may also cause this amount to be increased. All
9 payments for costs are to be sent directly to the Respiratory Care Board and must be received by
10 the date(s) specified (Periods of tolling will not toll the probation monitoring costs incurred.). If
11 respondent is unable to submit costs for any month, she shall be required, instead to submit an
12 explanation of why she is unable to submit the costs, and the date(s) she will be able to submit
13 the costs including payment amount(s). Supporting documentation and evidence of why the
14 respondent is unable to make such payment(s) must accompany this submission. Respondent
15 understands that failure to submit costs timely is a violation of probation and submission of
16 evidence demonstrating financial hardship does not preclude the Board from pursuing further
17 disciplinary action. However, respondent understands that by providing evidence and supporting
18 documentation of financial hardship it may delay further disciplinary action. In addition to any
19 other disciplinary action taken by the Board, an unrestricted Respiratory Care Practitioner license
20 will not be issued at the end of the probationary period and the respiratory care practitioner
21 license will not be renewed, until such time all probation monitoring costs have been paid. The
22 filing of bankruptcy by the respondent shall not relieve the respondent of her responsibility to
23 reimburse the Board for costs incurred.

24 5. EMPLOYMENT REQUIREMENT Respondent shall be employed a
25 minimum of 24 hours per week as a respiratory care practitioner for a minimum of 2/3 of her
26 probation period. Respondent may substitute successful completion of a minimum of thirty (30)
27 additional continuing education hours, beyond that which is required for Respiratory Care
28 Practitioner license renewal, for each 8 months of employment required. Respondent shall

1 submit proof to the Board of successful completion of all continuing education requirements.
2 Respondent is responsible for paying all costs associated with fulfilling this term and condition
3 of probation.

4 6. NOTICE TO EMPLOYER Respondent shall be required to inform her
5 employer, and each subsequent employer during the probation period, of the discipline imposed
6 by this decision by providing her supervisor and director and all subsequent supervisors and
7 directors with a copy of the decision and order, and the Statement(s) of Issues in this matter prior
8 to the beginning of or returning to employment or within 14 days from each change in a
9 supervisor or director. If respondent is employed by or through a registry [and is not restricted
10 from working for a registry], respondent shall make each hospital or establishment to which she
11 is sent aware of the discipline imposed by this decision by providing her direct supervisor and
12 administrator at each hospital or establishment with a copy of this decision, and the Statement(s)
13 of Issues in this matter prior to the beginning of employment. This must be done each time there
14 is a change in supervisors or administrators. The employer will then inform the Respiratory Care
15 Board, in writing, that he/she is aware of the discipline, on forms to be provided to the
16 respondent. Respondent is responsible for contacting the Respiratory Care Board to obtain
17 additional forms if needed. All reports completed by the employer must be submitted from the
18 employer directly to the Respiratory Care Board. Respondent shall execute a release authorizing
19 the Respiratory Care Board or any of its representatives to review and obtain copies of all
20 employment records and discuss and inquire of the probationary status with any of respondent's
21 supervisors or director.

22 7. CHANGES OF EMPLOYMENT OR RESIDENCE Respondent shall
23 notify the Respiratory Care Board, and appointed probation monitor, in writing, of any and all
24 changes of employment, location, and address within 14 days of such change. This includes but
25 is not limited to applying for employment, termination or resignation from employment, change
26 in employment status, change in supervisors, administrators or directors. Respondent shall also
27 notify her probation monitor AND the Respiratory Care Board IN WRITING of any changes of
28 residence or mailing address within 14 days. P.O. Boxes are accepted for mailing purposes,

1 however the respondent must also provide her physical residence address as well.

2 8. COST RECOVERY Respondent shall pay to the Respiratory Care Board
3 a sum not to exceed the costs of the investigation and prosecution of this case. That sum shall be
4 \$ 1501.00 and shall be paid in full directly to the Respiratory Care Board, in equal quarterly
5 payments, within 12 months from the effective date of this decision. Cost recovery will not be
6 tolled. If respondent is unable to submit costs timely, she shall be required, instead to submit an
7 explanation of why she is unable to submit these costs in part or in entirety, and the date(s) she
8 will be able to submit the costs including payment amount(s). Supporting documentation and
9 evidence of why the respondent is unable to make such payment(s) must accompany this
10 submission. Respondent understands that failure to submit costs timely is a violation of
11 probation and submission of evidence demonstrating financial hardship does not preclude the
12 Respiratory Care Board from pursuing further disciplinary action. However, respondent
13 understands that by providing evidence and supporting documentation of financial hardship may
14 delay further disciplinary action. Consideration to financial hardship will not be given should
15 respondent violate this term and condition, unless an unexpected AND unavoidable hardship is
16 established from the date of this order to the date payment(s) is due. The filing of bankruptcy by
17 the respondent shall not relieve the respondent of her responsibility to reimburse the Respiratory
18 Care Board for these costs.

19 9. TOLLING FOR OUT-OF-STATE RESIDENCE OR PRACTICE Periods
20 of residency or practice outside California, whether the periods of residency or practice are
21 temporary or permanent, will toll the probation period but will not toll the cost recovery
22 requirement, nor the probation monitoring costs incurred. Travel out of California for more than
23 30 days must be reported to the Board in writing prior to departure. Respondent shall notify the
24 Board, in writing, within 14 days, upon her return to California and prior to the commencement
25 of any employment where representation as a respiratory care practitioner is/was provided.

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1 10. VALID LICENSE STATUS Respondent shall maintain a current, active
2 and valid Respiratory Care Practitioner license for the length of the probation period. Failure to
3 pay all fees and meet CE requirements prior to her Respiratory Care Practitioner license
4 expiration date shall constitute a violation of probation.

5 11. VIOLATION OF PROBATION If respondent violates any term of the
6 probation in any respect, the Board, after giving respondent notice and the opportunity to be
7 heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to
8 revoke probation is filed against respondent during probation, the Board shall have continuing
9 jurisdiction and the period of probation shall be extended until the matter is final. No petition for
10 modification of penalty shall be considered while there is an accusation or petition to revoke
11 probation or other penalty pending against respondent.

12 12. COMPLETION OF PROBATION Upon successful completion of
13 probation, respondent's Respiratory Care Practitioner license shall be fully restored.

14 13. WORK SCHEDULES Respondent shall be required to submit to the
15 probation monitor work schedules on a weekly/monthly basis for the length of probation.
16 Respondent shall ensure the Board has a copy of her current work schedule at all times for each
17 place of employment. Failure to submit current work schedules on a continuous basis, shall
18 constitute a violation of probation and shall result in the filing of an accusation and/or a petition
19 to revoke probation against respondent's Respiratory Care Practitioner license.

20 14. BIOLOGICAL FLUID TESTING Respondent, at her expense, shall
21 participate in random testing, including but not limited to biological fluid testing (i.e. urine,
22 blood, saliva), breathalyzer, hair follicle testing, or any drug screening program approved by the
23 Board. Test costs range from \$21.00 to \$200.00 each. The length of time shall be for the entire
24 probation period. The frequency and location of testing will be determined by the Board. At all
25 times, respondent shall fully cooperate with the Board or any of its representatives, and shall,
26 when directed, appear for testing as requested and submit to such tests and samples for the
27 detection of alcohol, narcotics, hypnotic, dangerous drugs or other controlled substances. If
28 respondent is unable to provide a specimen in a reasonable amount of time from the request,

1 while at the work site, respondent understands that any Board representative may request from
2 the supervisor, manager or director on duty to observe respondent in a manner that does not
3 interrupt or jeopardize patient care in any manner until such time respondent provides a specimen
4 acceptable to the Board. Failure to submit to testing or appear as requested by any Board
5 representative for testing, as directed shall constitute a violation of probation and shall result in
6 the filing of an accusation and/or a petition to revoke probation against respondent's respiratory
7 care practitioner license.

8 15. ABSTENTION FROM USE OF MOOD ALTERING SUBSTANCES

9 Respondent shall completely abstain from the possession or use of marijuana, alcohol, and any
10 and all other mood altering drugs, substances and their associated paraphernalia. Respondent may
11 take any other medication when lawfully prescribed by a licensed practitioner as part of a
12 documented medical treatment. Respondent shall execute a release authorizing the release of
13 pharmacy and prescribing records as well as physical and mental health medical records.
14 Respondent shall also provide information of treating physicians, counselors or any other treating
15 professional as requested by the Board. Respondent shall ensure that she is not in the presence of
16 or in the same physical location as individuals who are using illegal substances, even if
17 respondent is not personally ingesting the drug(s). Any positive result that registers over the
18 established laboratory cutoff level shall constitute a violation of probation and shall result in the
19 filing of an accusation and/or a petition to revoke probation against respondent's Respiratory
20 Care Practitioner license. Respondent also understands and agrees that any positive result that
21 registers over the established laboratory cutoff level shall be reported to each of respondent's
22 employers.

23 16. SUPERVISOR QUARTERLY REPORTS Supervisor Quarterly Reports

24 of Performance are due for each year of probation and the entire length of probation from each
25 employer, as follows:

26 (a) For the period covering January 1st through March 31st, reports are to be
27 completed and submitted between April 1st and April 7th.

28 (b) For the period covering April 1st through June 30th, reports are to be

1 completed and submitted between July 1st and July 7th.

2 (c) For the period covering July 1st through September 30th, reports are to be

3 completed and submitted between October 1st and October 7th.

4 (d) For the period covering October 1st through December 31st, reports are to be

5 completed and submitted between January 1st and January 7th.

6 Respondent is ultimately responsible for ensuring her employer(s) submits complete and

7 timely reports. Failure to ensure each employer submits complete and timely reports shall

8 constitute a violation of probation.

9 17. RESTRICTION OF PRACTICE Respondent may not be employed or

10 function as a member of a respiratory care management or supervisory staff during the entire

11 length of probation. This includes lead functions. Respondent is further restricted from working

12 in home care unless it is under direct supervision and personal observation.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my probationary Respiratory Care Practitioner license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: December 24, 2008.

Original signed by: _____
Amani Shakhate Mansell
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Respiratory Care Board.

DATED: December 18, 2008

EDMUND G. BROWN JR., Attorney General
of the State of California

THOMAS S. LAZAR
Supervising Deputy Attorney General

Original signed by: _____
MATTTHEW M. DAVIS
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

AMANI SHAKHATE MANSELL
15665 Las Posas Drive
Moreno Valley, CA 92551

Respiratory Care Practitioner License

Respondent.

Case No. 1H-2008-079

OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board, as its Decision in this matter.

This Decision shall become effective on March 13, 2009.

It is so ORDERED March 2, 2009.

Original signed by: _____

LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA